

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**LOIS PALMER, HOWARD PALMER  
and LELAND PALMER**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 5:08-CV-219-DCB-JMR**

**MARSHALL HAWKINS**

**DEFENDANT**

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**AGREED ORDER OF DISMISSAL WITH PREJUDICE**

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CAME ON this day the joint Motion of the Plaintiffs and the Defendant, through respective counsel, who move this Court to dismiss all claims against Defendant, Marshall Hawkins, as to all claims against him asserted in this lawsuit, with prejudice, and pursuant to Rule 41 of the Fed. Rules of Civil Procedure. The Court, having considered the Order, noting the agreement of the parties and being otherwise fully advised in the premises, does find that said Order is well taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this action against the Defendant, Marshall Hawkins, should be and hereby is dismissed with prejudice.

IT IS, FURTHER ORDERED AND ADJUDGED that the interpled Traditional Term Life insurance death benefits in the amount of one million dollars (\$1,000,000.00) plus interest shall be released from the registry of the Court and deposited into the Trust Account of Forman Perry Watkins Krutz & Tardy LLP, bearing number 0221996. The Traditional Term Life insurance benefits will then be distributed among the parties pursuant to agreement. The remaining claim regarding the interpled Accidental Death and Dismemberment insurance benefits in the amount of five hundred thousand dollars (\$500,000.00) plus interest as to both plaintiffs and defendant shall remain within the jurisdiction of this Court and said amount shall remain in the registry of the Court until this claim is determined, settled, or finally disposed of.

SO ORDERED AND ADJUDGED, this the 14<sup>th</sup> of August, 2009.

s/David Bramlette  
UNITED STATES DISTRICT COURT JUDGE

AGREED TO AND APPROVED BY:

/s/Carlton W. Reeves

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